

AMENDED IN SENATE MAY 6, 2010
AMENDED IN SENATE APRIL 27, 2010
AMENDED IN SENATE APRIL 12, 2010
AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1204

Introduced by Senator Runner
(Coauthor: Senator Harman)
(Coauthor: Assembly Member Lieu)

February 18, 2010

An act to amend Sections 290.013 and 290.015 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1204, as amended, Runner. Sex offenders: social networking prohibition: online address notification requirement.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law sets forth the procedure for doing so and provides that a violation of the sex offender registration law is a crime, punishable as specified.

The bill would require a person who is required to register as a sex offender to inform the law enforcement agency ~~or agencies~~ with which he or she last registered of all of his or her online addresses, e-mail addresses, and instant messaging user names no later than December 31, 2011, and, thereafter, at the time of original registration and within 30 days of establishing a new online account, and would make it a misdemeanor to fail to do so. *This bill would permit information received pursuant to these provisions to be shared with the Department of Justice*

and other law enforcement agencies, upon request. By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.013 of the Penal Code is amended
2 to read:

3 290.013. (a) Any person who was last registered at a residence
4 address pursuant to the Act who changes his or her residence
5 address, whether within the jurisdiction in which he or she is
6 currently registered or to a new jurisdiction inside or outside the
7 state, shall, in person, within five working days of the move, inform
8 the law enforcement agency or agencies with which he or she last
9 registered of the move, the new address or transient location, if
10 known, and any plans he or she has to return to California.

11 (b) If the person does not know the new residence address or
12 location at the time of the move, the registrant shall, in person,
13 within five working days of the move, inform the last registering
14 agency or agencies that he or she is moving. The person shall later
15 notify the last registering agency or agencies, in writing, sent by
16 certified or registered mail, of the new address or location within
17 five working days of moving into the new residence address or
18 location, whether temporary or permanent.

19 (c) The law enforcement agency or agencies shall, within three
20 working days after receipt of this information, forward a copy of
21 the change of address information to the Department of Justice.
22 The Department of Justice shall forward appropriate registration
23 data to the law enforcement agency or agencies having local
24 jurisdiction of the new place of residence.

25 (d) If the person's new address is in a Department of Corrections
26 and Rehabilitation facility or state mental institution, an official
27 of the place of incarceration, placement, or commitment shall,
28 within 90 days of receipt of the person, forward the registrant's

change of address information to the Department of Justice. The agency need not provide a physical address for the registrant but shall indicate that he or she is serving a period of incarceration or commitment in a facility under the agency's jurisdiction. This subdivision shall apply to persons received in a department facility or state mental institution on or after January 1, 1999. The Department of Justice shall forward the change of address information to the agency with which the person last registered.

(e) A person required to register pursuant to the Act shall inform the law enforcement agency ~~or agencies~~ with which he or she last registered of all of his or her online addresses, e-mail addresses, and instant messaging user names no later than December 31, 2011, and thereafter, at the time of original registration and within 30 days of establishing a new online account. ~~Notification may be filed in the same manner as a change of address or may be completed and verified online as permitted by the Department of Justice. Information received pursuant to this subdivision may, upon request, be shared with the Department of Justice or other law enforcement agencies.~~

(f) Notwithstanding any other law, violation of subdivision (e) shall constitute a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

SEC. 2. Section 290.015 of the Penal Code is amended to read:

290.015. (a) A person who is subject to the Act shall register, or reregister if the person has previously registered, upon release from incarceration, placement, commitment, or release on probation pursuant to subdivision (b) of Section 290. This section shall not apply to a person who is incarcerated for less than 30 days if he or she has registered as required by the Act, he or she returns after incarceration to the last registered address, and the annual update of registration that is required to occur within five working days of his or her birthday, pursuant to subdivision (a) of Section 290.012, did not fall within that incarceration period. The registration shall consist of all of the following:

(1) (A) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the

1 address of the person's place of employment if that is different
2 from the employer's main address.

3 (B) An acknowledgment that the person is required under
4 Section 290.013 to notify the law enforcement agency or agencies
5 with which he or she last registered of all of his or her online
6 addresses, e-mail addresses, and instant messaging user names no
7 later than December 31, 2011, and, thereafter, at the time of original
8 registration and within 30 days of establishing a new online
9 account.

10 (2) The fingerprints and a current photograph of the person
11 taken by the registering official.

12 (3) The license plate number of any vehicle owned by, regularly
13 driven by, or registered in the name of the person.

14 (4) Notice to the person that, in addition to the requirements of
15 the Act, he or she may have a duty to register in any other state
16 where he or she may relocate.

17 (5) Copies of adequate proof of residence, which shall be limited
18 to a California driver's license, California identification card, recent
19 rent or utility receipt, printed personalized checks or other recent
20 banking documents showing that person's name and address, or
21 any other information that the registering official believes is
22 reliable. If the person has no residence and no reasonable
23 expectation of obtaining a residence in the foreseeable future, the
24 person shall so advise the registering official and shall sign a
25 statement provided by the registering official stating that fact.
26 Upon presentation of proof of residence to the registering official
27 or a signed statement that the person has no residence, the person
28 shall be allowed to register. If the person claims that he or she has
29 a residence but does not have any proof of residence, he or she
30 shall be allowed to register but shall furnish proof of residence
31 within 30 days of the date he or she is allowed to register.

32 (b) Within three days thereafter, the registering law enforcement
33 agency or agencies shall forward the statement, fingerprints,
34 photograph, and vehicle license plate number, if any, to the
35 Department of Justice.

36 SEC. 3. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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